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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,314	06/26/2001	David M. Tucker	VCS001	1949

7590
Kurt S. Myers
7634 Braesdale
Houston, TX 77071

10/03/2002

EXAMINER

GARBER, CHARLES D

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,314

Applicant(s)

TUCKER ET AL.

Examiner

Charles D Garber

Art Unit

2850

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-6 and 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 11 is/are allowed.
- 6) ☒ Claim(s) 7, 9 and 12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claims 1-6 and 13 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 3. Applicant's election with traverse of Group II in Paper No. 3 is acknowledged. The traversal is on the ground(s) that the inventions are in fact useable together. This is not found persuasive because Examiner found the inventions were unrelated for having different apparent functions, not because they were not capable of use together.

The requirement is still deemed proper and is therefore made FINAL.

Response to Arguments

Applicant's arguments filed 9/4/2002 have been fully considered but they are not persuasive. Applicant argues the Graves reference (US Patent 5,927,901) does not teach moving the pig from the launcher to the receiver. Examiner did not rely on the Graves reference for such. Examiner relied upon the Bliss reference (US Patent 5,883,303) for teaching the use of pumps providing fluid pressure moving the pig from the launcher to the receiver. Examiner only relied upon the Graves reference for a teaching a submerged launcher and submerged vehicle (SV) to operate the pump.

Applicant also challenged Examiner taking of Official Notice teaching a SV to carry a fill and test package. See new grounds for rejection of claim 9 using newly cited reference by Corbetta (US Patent 6,234,717).

Applicant finally argued the Graves reference did not teach raising the pressure in the pipeline sufficient for hydrostatic testing of the pipeline. Examiner did not rely on the Graves reference for such. Examiner relied upon the Bliss reference for teaching raising the pressure in the pipeline sufficient for general pressure testing of the pipeline which would include hydrostatic testing. Again, Examiner only relied upon the Graves reference for a teaching a submerged launcher and submerged vehicle (SV) to operate the pump.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bliss et al. (US Patent 5,883,303) in view of Graves (US Patent 5,927,901)

Regarding claims 7 and 12, Bliss et al., henceforth referred to as "Bliss", discloses a conventional method of testing a subsea pipeline between a pig launcher and receiver including operating a pump to force liquid such as water behind the pig and move the pig from the pig launcher to the submerged pig receiver; and pumping water into said pipeline to a pressure for testing and monitoring the pressure to assure that there are no leaks in the pipeline (column 1 lines 36-53).

Bliss however does not teach the launcher is submerged and that a SV (or submerged or submersible vehicle) is used to operate the pump.

Graves teaches the use of an apparatus to drive a pig through a pipeline which has already been laid (column 3 lines 22-31) and a pump powered by a remotely operated vehicle 29 (column 4 lines 1-9), as an alternative to surface water source, to provide water flow to control the movement of the pig through the pipeline (column 1 lines 50-51, column 2 lines 35-41, 47-52).

It would have been obvious to one having ordinary skill in the art to use a submerged launcher in order to test a section of pipe that is already laid to employ a SV (or submerged or submersible vehicle) to operate a pump as an advantageous alternative to a surface source of water pressure.

Bliss also does not expressly teach the water may be seawater, however, Bliss refers to the water in the sea simply as water (not seawater) so the water of Bliss may be considered to be seawater.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bliss et al. (US Patent 5,883,303) as modified by Graves (US Patent 5,927,901) and applied to claim 7 above and further in view of Corbetta (US Patent 6,234,717)

The references lack the fill and test package carried by the SV. Corbetta teaches a Remotely Operated Vehicle (ROV) carrying a seal ring test system for pressure testing newly assembled sections of conduit (column 13 line 66 to column 14 line 11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to carry a seal ring test system on an ROV so the pipe joint seals may be tested for integrity advantageously while the pipeline is still being assembled and more easily repaired.

Allowable Subject Matter

Claims 10 and 11 are allowed.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Please see Examiner's earlier Office Action for reasons for indicating allowable material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D Garber whose telephone number is (703) 308-6062. The examiner can normally be reached on Monday to Friday, 7:00 AM-3:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7725 for regular communications and (703) 308-7725 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

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cdg
September 30, 2002


HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800